



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/107,110	06/30/1998	JON R. BERRY	777.161US1	7561

26389 7590 04/02/2002

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC  
1420 FIFTH AVENUE  
SUITE 2800  
SEATTLE, WA 98101-2347

EXAMINER
----------

HUYNH, BA

ART UNIT	PAPER NUMBER
----------	--------------

2173

DATE MAILED: 04/02/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/107,110

Applicant(s)  
Berry et al

Examiner  
Huynh-Ba

Art Unit  
2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 26, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15, 19-21, 25, 27, and 28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 19-21, 25, 27, and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

BAWUYNH  
PATENT EXAMINER

Art Unit: 2173

### DETAILED ACTION

1. The amendments filed on 12/26/01 have been entered into the record. Claims 1-15, 19-21, 25, 27-28 are pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 12-15, 21, 25, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Microsoft Window 95 Uncut ("Window95"), in view of US patent #5,936,624 (Lisle et al).

- As for claims 1, 6, 13-15, 21, 27: In a computer system having a processor, a memory, and an operating system, Window95 discloses a computer implemented system, method and graphical user interface, comprising:

a primary desktop screen (figure 3-1),

a predetermined file-container icon "Document",

Art Unit: 2173

one or more file-operation dialog boxes ("Save", "Save As", inherently included) which are accessible by application programs of the computer and which specifies a file container associated with the predetermined file container icon as a default document container for file related to the application program. The Document folder and operation dialog boxes are under the control of Window95 operating system and is application independent.

Window95 fails to clearly teach that the "Document" file container is accessible by register or unregistered applications. However, in analogous art of file management, Lisle teach a logical file container (202,204), assessable by registered or unregistered applications, as a default folder for documents created by the applications (Lisle et al, col. 5, lines 12-26). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Lisle's teaching of the logical file container to Window95. Motivation of the combine is for the flexibility in filing system by providing a default folder for documents created by registered or unregistered applications, as explicitly suggested by Lisle (see background of the invention). The logical container is file system object defined by the operating system (col. 4, lines 56-63).

- As for claim 2: The graphical user interface further includes a destination menu item (Save As) associated with a file to permit the file to be moved or copied to the file container associated with the file container icon.

- As for claims 3, 11: Naming an icon with a specific name selected by a user would have been an obvious user preference.

Art Unit: 2173

- As for claim 4: Dialogs for file Save and Open operations are inherently included in Window95.

- As for claims 5, 10: Window95 is a Microsoft Window operating system.

- As for claims 7-8: The computer system further comprises a master file My Computer (page 8) containing global information pertinent to the computer system, a shell registry (page 577) which stores the master file.

- As for claim 9: "My Computer" allows network access. Network administrative for changing information regarding the physical storage device is inherently included in Window 95.

- As for claims 12, 25: In a computer system having an operating system, Window95 discloses a computer implemented system, method and graphical user interface, comprising:

a primary screen (figure 3-1),

a predetermined file-container icon "Document",

one or more file-operation dialog boxes ("Save", "Save As", inherently included) which are accessible by application programs of the computer and which specifies a file container associated with the predetermined file container icon as a default document container for file related to the application program. The Document folder and operation dialog boxes are under the control of Window95 operating system and is application independent.

Window95 fails to clearly teach that the "Document" file container is accessible by register or unregistered applications. However, in analogous art of file management, Lisle teach a logical file container (202,204), assessable by registered or unregistered applications, as a default folder

Art Unit: 2173

for documents created by the applications (Lisle et al, col. 5, lines 12-26). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Lisle's teaching of the logical file container to Window95. Motivation of the combine is for the flexibility in filing system by providing a default folder for documents created by registered or unregistered applications, as explicitly suggested by Lisle (see background of the invention). The logical container is file system object defined by the operating system (col. 4, lines 56-63). In light of the combining, dialog boxes Save and Save As allow a document to be saved in a predetermined folder or be redirected to a current folder. The logical container folder stores documents of one or more particular types.

***Claim Rejections - 35 USC § 102***

4. Claims 19-20, 28 are rejected under 35 U.S.C. 102(a) as being anticipated by the Microsoft Window 95 Uncut (Window95).

- As for claims 19, 28: In a computer system having an operating system, Window95 discloses a computer graphical user interface comprising a most-recently used file menu defined to display links to most-recently used files or folders (page 59). Documents folder contains 15 most recently used files and/or folders.

- As for claim 20: The most recently used file menu includes a partially opened Documents icon (page 59)

Art Unit: 2173

***Response to Arguments***

5. Applicant's arguments filed on 12/26/01 have been fully considered but are moot in view of the new ground(s) of rejection.

In response to the argument that Window95 does not teach the most recently used list, the most recently used list is disclosed on page 59.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Inquires**

Art Unit: 2173

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 746-7238 may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba  
Primary Examiner  
Art Unit 2173  
3/22/02

  
BA HUYNH  
PRIMARY EXAMINER